



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,995	09/11/2003	Christopher Lyle Adams	TEL-060	4656
29956	7590	05/24/2007		
TIMOTHY P. O'HAGAN 8710 KILKENNY CT FORT MYERS, FL 33912			EXAMINER FAROUL, FARAH	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

54

Office Action Summary	Application No.		Applicant(s)	
	10/659,995		ADAMS, CHRISTOPHER LYLE	
	Examiner		Art Unit	
	Farah Faroul		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following Office Action is based on Application No. 10/659,995 filed on September 11, 2003 having claims 1-16 and Figures 1-25.

Specification

2. The disclosure is objected to because of the following informalities:

It is suggested that applicant updates the status of copending applications: 09/961,532, 10/000,543, 10/079,128, and 10/624,815 mentioned in page 1 of the disclosure. Applicant is required to update the status of copending applications.

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claims 3 and 11 are objected to because of the following informalities:

In claim, line 12, it is suggested that applicant delete the word "the" in front of the word "one".

In claim 11, line 10, it is suggested that applicant delete the word "the" in front of the word "one".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the group of endpoints" in line 7. There is no antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the group of endpoints" in line 5. There is no antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al. (US 2002/0048268 A1) and Benyassine et al. (US 2002/0161576 A1) in view of Miller et al. (US 6,873,627 B1).

For claims 1 and 9, Menon discloses establishing a logical channel to support a media session over the packet switched network with an endpoint, the endpoint being an endpoint selected from the group of endpoints consisting of a control unit and one of a plurality of remote real time communication devices, for the exchange of real-time streaming media with the endpoint during a media session (paragraph 65, lines 1-7, paragraph 112, line 1 to paragraph 114, line 9 wherein an endpoint is selected with an established logical channel to support a media session)

For claims 1 and 9, Menon discloses the entire claimed invention except receiving microphone input and generating compressed digital audio frames representative thereof for transmission to the endpoint during the media session; and receiving compressed digital audio frames from the endpoint and driving a speaker to output audio in response thereto during the media session

Benyassine et al., from the same or similar field of endeavor, teaches receiving microphone input and generating digitized frames and driving a speaker to output the audio signal (paragraph 22, line 1 to paragraph 25, line 8)

Thus, it would have been obvious to someone of ordinary skill in the art to combine the logical channel setup of Menon with the audio input/output mechanism of

Benyassine at the time of the invention. The audio input/output mechanism is implemented into the multimedia network of Menon by modifying the real-time devices of Menon. The motivation to combine the audio input/output mechanism of Benyassine with the multimedia network of Menon is that it provides an efficient distribution of multimedia services to end-users.

For claims 1 and 9, Menon and Benyassine disclose the entire claimed invention except for sending a multicast status message on the packet switched network addressed to a multicast group, the multicast group comprising any of the remote real time communication devices that have joined the multicast group; and the multicast status message announcing a state of the real time communication device, the state being a state from a group of state consisting of a first state wherein the real time communication device is participating in a media session and a second state wherein the real time communication device is not participating in a media session

Miller, from the same or similar field of endeavor, teaches sending a multicast status message to announce the state of the device (column 11, lines 52-65), a multicast joining message (column 3, line 29-64), the joining message sent to a multicast group comprising remote real time devices (see remote devices in Figure 6 and column 10, lines 9-29).

Thus, it would have been obvious to someone of ordinary skill in the art to combine the modified system of Menon and Beyassine with the multicast distribution method of Miller at the time of the invention. The multicast distribution method of Miller is implemented into the modified system of Menon and Beyassine by sending a

multicast status message notifying the state of the device in the multicast group. The motivation to combine the multicast distribution method of Miller with the modified system of Menon and Beyassine is that it provides an efficient mechanism for status change notification of a real-time device in a multicast group.

For claims 2 and 10, Miller discloses obtaining a first IP multicast address of the multicast group (column 2, lines 1-26 wherein the multicast group has an IP multicast address)

Sending the multicast message identifies the real time communication device and includes an indication of the state of the real time communication device (column 11, lines 52-65 wherein the multicast status message indicates one of possible states of the real time device)

7. Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon, Beyassine and Miller as applied to claims 1-2 and 9-10 above, and further in view of D'Angelo (US 6,717,938 B1).

For claims 3 and 11, Miller discloses receiving a plurality of multicast status messages, each being sent by one of the remote real time communication devices, and each comprising identification of the remote real time communication device that sent the multicast status message and identifying the state of the remote real time communication device that sent the multicast status message (Column 11, lines 52-65, wherein the multicast message identifies the sending device and the state of that device in the multicast group)

Art Unit: 2616

For claims 3 and 11, Menon, Beyassine and Miller discloses the entire claimed invention, except for displaying, on a user interface, an indication of the state of each remote real time communication device and updating display of the indication of the state of one of the remote real time communication devices in response to receiving a multicast status message sent by one of the remote real time communication devices

D'Angelo, from the same or similar field of endeavor, teaches displaying on a user interface the status of a remote device and updating the display to reflect a change in the status of the device (column 16, lines 24-45 and column 3, lines 24-33).

Thus, it would have been obvious to someone of ordinary skill in the art to combine the display method of D'angelo with the modified system of Menon, Miller and Beyassine. The display system is implemented into the modified system of Menon, Miller and Beyassine by adding a user interface to the real time device. The motivation to combine the display method of Menon, Beyassine and Miller with the display method of D'Angelo is that it makes the status of the real time device readily available to a user.

For claims 4 and 12, Miller discloses obtaining a first IP multicast address of the multicast group (column 2, lines 1-26 wherein the multicast group has an IP multicast address)

Sending the multicast message identifies the real time communication device and includes an indication of the state of the real time communication device (column 11, lines 52-65 wherein the multicast status message indicates one of possible states of the real time device)

For claims 5 and 13, Miller discloses receiving each of the multicast status messages on the multicast status messages on the first IP multicast address (Column, 2, lines 1-26 wherein the multicast status messages sent by the remote devices in the multicast group are sent using the IP multicast address)

8. Claims 6-8 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon, Miller, D'angelo and Beyassine as applied to claims 1-5 and 9-13 above, and further in view of Mahajan et al. (US 6,785,274 B2).

For claim 14, Menon, Beyassine, Miller and D'angelo, disclose the entire claimed invention, except for sending the multicast status message in response to a change in state of the real time communication device between the first state and the second state

Mahajan, from the same or similar field of endeavor, teaches sending a multicast status message in response to a status change of the real time device (Column 6, lines 13-63).

Thus, it would have been obvious to someone of ordinary skill in the art to combine the multicast distribution method of Mahajan with the modified system of Menon, Beyassine, Miller and D'Angelo at the time of the invention. The multicast distribution method of Mahajan is implemented into the modified system of Menon, Beyassine, Miller and D'Angelo by sending the multicast status message in response to a status change of the real time device. The motivation to combine the multicast distribution method of Mahajan with the modified system of Menon, Beyassine, Miller

and D'Angelo is that it provides an efficient mechanism for status change notification of a real-time communication device.

For claim 15, Menon, Beyassine, Miller and D'angelo, disclose the entire claimed invention, except sending the multicast status message in response to passage of a time duration during following sending of a previous multicast status message

Mahajan, from the same or similar field of endeavor, teaches sending a multicast status message after a predetermined time period (Column 7, lines 1-44)

For claim 16, Menon, Beyassine, Miller and D'angelo, disclose the entire claimed invention, except sending the multicast status message in response to receiving a status refresh request on the first IP multicast address

Mahajan, from the same or similar field of endeavor, teaches sending a multicast status message in response to receiving an update request (column 6, lines 49-62)

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Golden et al. (US 6,272,127 B1), Salloun Slazar et al. (US 2002/0097738 A1), and Shawcross (US 6,880,090 B1) are cited to show systems pertinent to applicant's invention.

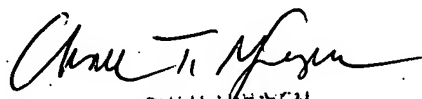
Shawcross discloses a method and system for Internet protection using IP multicast address hopping technique. Salloun Salazar discloses a broadcast system and device. Golden discloses a network for providing switched broadband multipoint/multimedia intercommunication.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farah Faroul whose telephone number is 571-270-1421. The examiner can normally be reached on Monday - Friday 6:30 AM - 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F. Faroul


CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600